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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,068	10/05/2000	Takashi Shimada	1614-1084	9496

21171 7590 02/27/2002

STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

ROBERTSON, DAVID

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/679,068

Applicant(s)

SHIMADA ET AL.

Examiner

Dave Robertson

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4 have been examined.

#### *Priority*

2. The request filed on 10/05/2000 for a Continued Prosecution Application (CPA) under 35 U.S.C. 111(a) based on parent International Application No. PCT/JP99/02642 filed May 20, 1999 is acknowledged and a CPA has been established. However, certain formal requirements for proper establishment of priority to the parent application have not been fully met (see MPEP 1895.01 *Continuation of International Application under 35 U.S.C. 111*):

- a) Pursuant to 37 CFR 1.494 and 1.495, the application must recite in the first sentence of the specification words to the effect of: "This is a continuation of International Application PCT/JP99/02642, with an international filing date of May 20, 1999, published in English under PCT Article 21(2) and now abandoned."

- b) Applicant must provide proof of co-pendency of the International Application and show that such application was filed with at least one designation other than the United States. (Verification of co-pendency and other designation of the International Application was obtained through the WIPO publication office.)

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), claiming foreign priority to JAPAN 10-185115 filed 6/30/1999, which papers have been placed of record in the file. A certified copy in a non-English language (Japanese) is received and on record.

***Information Disclosure Statement***

4. As of the date of this action, no record of information disclosure has been filed nor is an International Search Report known to be available for the parent international application PCT/JP99/02642.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2-4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2 recites *sales campaign monitoring means for monitoring the effectiveness of a sales campaign based on the service information provided to the customers*. Claim 3, dependent on claim 2, further recites, *providing means providing service information to the customer depending on the success rate of the monitored sales campaign*. Claim 4 is dependent on claim 3. The written description mentions effectiveness and success of sales campaigns at one paragraph only in the specification, on page 13 beginning at line 13, by merely stating that *depending on the results sales campaign information most likely to generate successful sales can be routed to such customer using the most effective channel*. The written description provides no means and nor description of such means regarding the essential features of the invention as recited in claims 2-4.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Melchione (U.S. Pat. 5,930,764).

Melchione teaches all of claims 1-4 encompassing, and disclosing in far greater detail, the scope of means limitations recited by the broad claims of the present invention. Melchione teaches a customer information request, production, and transmission method and system, delivering sales information tied to customer profiles and information requests, tracking sales performance of a sales campaign, over a multi-terminal communications network (see at least *Abstract* and Figure 1 and related discussion). Melchione encompasses in entirety the scope of the present invention as claimed, and does so in the art of disclosed embodiment of the present invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (703) 306.5679.


The examiner can normally be reached on M: 12:30p-8:30p, T-Th: 8:30a-8:30p, F: 8:30a-12:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dcv

February 22, 2002

  
KYLE J. CHOI  
PRIMARY EXAMINER  
*Art Unit 2163*